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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re A.G., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

A.G.,

Defendant and Appellant.

G041415

(Super. Ct. No. DL031533)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Ronald Kreber, Judge. Affirmed as modified.

Mark Ankorn, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Gary W. Schons, Assistant Attorney General, Lilia E. Garcia and Arlene A. Sevidal, Deputy Attorneys General, for Plaintiff and Respondent.

* * *

In a CVS pharmacy store, A.G., a minor, walked down the alcohol aisle and put a bottle of Grey Goose vodka into his coat pocket. He hesitated a moment and then pocketed a second bottle. He walked out of the store without paying for them. He was arrested and the juvenile petition charged him with commercial burglary (count 2) and petty theft (count 3). The juvenile court considered this petition along with two others (containing additional robbery charges) before sustaining all the counts and imposing a total maximum term of five years and six months. Relevant to this appeal, the juvenile court imposed consecutive sentences for the CVS commercial burglary and petty theft counts.

A.G. and the Attorney General agree the trial court erred in imposing a consecutive sentence for count 2 (four months) and count 3 (two months) pursuant to Penal Code section 654. (All further statutory references are to the Penal Code.) We also agree the sentence was in error. The record shows A.G. possessed a single objective and engaged in a single, continuous course of conduct when he committed these crimes, i.e., to steal alcohol from the store. There is ample case authority holding a defendant must be punished only once if he is convicted of both burglary and theft arising from the same criminal event. (See *People v. Bernal* (1994) 22 Cal.App.4th 1455, 1457-1458.)

We conclude the consecutive sentence of two months for the petty theft (count 3) violates section 654 and must be stayed. (See also *People v. Le* (2006) 136 Cal.App.4th 925, 931 [finding “appropriate” the People’s concession consecutive sentences imposed for robbery and burglary of drugstore items violated section 654].) The judgment is ordered modified to reflect the sentence on count 3, petty theft, is stayed

pursuant to section 654. As so modified, we affirm the judgment. The clerk of the superior court is ordered to forward a copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities.

O'LEARY, J.

WE CONCUR:

RYLAARSDAM, ACTING P. J.

ARONSON, J.